

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN HASTINGS,

Plaintiff

v.

OCWEN LOAN SERVICING, LLC,

Defendant

* * * * *

CIVIL NO. JKB-14-2244

MEMORANDUM AND ORDER

This case was filed May 23, 2014, in Maryland state court (Compl., ECF No. 2) and removed to this Court on July 14, 2014 (ECF No. 1). Defendant's "answer" was included in its state court notice of filing notice of removal, a copy of which was filed in this Court. (ECF No. 4.) There, Defendant entered a general denial to the complaint. (*See* Mem. & Order 2, ECF No. 10 (deeming the state court filing also filed in this Court as Defendant's operative answer).) Belatedly, Defendant filed a motion to dismiss the original complaint under Federal Rule of Civil Procedure 12(b)(6). (ECF No. 9.) Because Plaintiff has timely filed as of right an amended complaint that is significantly different from the original complaint, it would be unproductive to treat the late-filed motion to dismiss as a motion for judgment on the pleadings under Rule 12(c). Instead, the motion (ECF No. 9) is hereby DENIED WITHOUT PREJUDICE.

DATED this 18th day of August, 2014.

BY THE COURT:

/s/
James K. Bredar
United States District Judge